

# *HB 187 Senate Committee Testimony*

*For the  
Senate Business & Labor Committee*

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**Purpose**

Succinctly put, this bill is seeking to create a legal solution to a real business issue facing a substantial portion of the outfitting industry

**Premise**

Small businesses in the outfitting industry are often faced with unforeseen emergencies regarding staffing. For years a workable solution created by the Board of Outfitters, "Emergency Guides" allowed the industry to meet this need, however it was deemed illegal by DLI legal staff. This legislation is an attempt to legalize an emergency guide process by creating a temporary non-licensed employee category named the Outfitter Assistant

**Process and Parties Represented**

Process to date has involved the two major outfitting industry associations of Montana, namely: Montana Outfitters & Guides Association (MOGA), and; Professional Wilderness Outfitters Association (PWOA). Between the two associations, more than 80% of the licensed hunting outfitters/guides are represented. Additionally a large proportion of these outfitters also operate fishing outfits. The suggestion of creating a non-licensed solution to emergency situations was originally conceived by DLI staff. Several of the amendments to date to this Bill were good faith efforts to appease all members of the industry, which the proponents believe has been accomplished.

**Salient Facts**

1. Outfitter proponents of this Bill see the ultimate responsibility of public safety, health and welfare as their primary responsibility. Not only is it the law, it is just plain good business.
2. Outfitters want a "legal" solution to an emergency staffing situation, and the constraints on the Outfitter Assistant resident in this Bill ensure that the solution for all practical purposes can only be used for that purposes. The depiction by some that this is a ruse to bypass licensing of guides to save money is inaccurate and actually quite offending.
3. Over the past 12 months by example I have personally received over 15 emergency requests from outfitters needing help due to illness, unanticipated walk out, death in the family, etc. (see attached list)

4. Not all outfitters have available as a solution the utilization of an independent contractor pool to draw from based on the ebb and flow of business.
5. The vast majority of Hunting Outfitters are relatively small businesses (less than \$75,000 in revenue and perhaps one or two staff beyond owners) and do not have the luxury of hiring back up guides
6. Concerns regarding the preparedness of an outfitter assistant to take on the role of a guide fall directly on the shoulders of the outfitter who will always be ultimately responsible for the client and their safety. Outfitters simply are not going to jeopardize their clients and businesses by utilizing this legal mechanism to abuse the system.

### **Conclusion**

The members of MOGA and PWOA want a legal solution to eliminate any concern of utilizing unlicensed personnel in an emergency.

HB187 is a sensible well thought out solution. Please support HB187.

### **Outfitters Requesting Emergency Guide Assistance in Last 12 Months**

Absorka Bear Tooth Outfitters - West Yellowstone  
Broken Heart Outfitters - Gardner  
WTR Outfitters - Ovando  
A Lazy J Outfitters - Choteau  
Montana Safaris - Augusta  
Sage Safaris - Havre  
Montana Mountain High - Polaris  
Cody Carr Adventures - Thompson Falls  
Rawhide Guide Service - White Sulfur Springs  
Big Salmon Outfitters - Pablo  
Cheff Ranch - Carlo  
Black Mountain Outfitters - Big Timber  
Broken Arrow Lodge & Outfitters - Alder  
Diamond R Guest Ranch - Hungry Horse  
McCormick Guest Ranch - Avon  
Milk River Outfitters - Hinesville  
Monte's Guiding & Mountain Outfitting - Townsend